

RULE

Board of Elementary and Secondary Education

Special Education Advisory Council (LAC 28:I.105)

In accordance with the R.S. 49:950 et seq., the Administrative Procedure Act, Board of Elementary and Secondary Education adopted the recommendations of the Ad Hoc Committee studying the composition and selection of the Special Education Advisory Council. This is an amendment to the LAC 28:I.105 as stated below. This policy shall replace all current and conflicting policies on the Special Education Advisory Council whether they be in the Special Education State Plan, Bulletin 1706 or other BESE approved bulletins, policies or guidelines governing special education programs and funding.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 1. Organization

§105. Board Advisory Councils

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B. Composition

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2. Special Education Advisory Council

a. Creation. Pursuant to federal law and regulations and to state law, the Special Education Advisory Council is created to serve the state board in its constitutional functions to supervise and control public schools including programmatic and budgetary responsibility for all funds appropriated for special education programs.

b. Membership. The state advisory panel will be composed of persons involved in or concerned with the education of children with disabilities will include one persons representative of each of the following categories except for category five which shall have two representatives:

- i. individuals with disabilities;
- ii. teachers of children with disabilities;
- iii. parents of children with disabilities;
- iv. state and local educational officials;
- v. special education program administrators (two);
- vi. regular classroom teachers;
- vii. representatives of recipients of special education and related services and their families;
- viii. representatives of advocate agencies for the disabled;
- ix. vocational-technical schools; and
- x. colleges and universities.

C. Appointments. As provided in R.S. 17:1954(A), the advisory council shall be appointed by the Department of Education with the approval of the state board. Each board member shall recommend to the superintendent, one name to serve on the advisory body from one of the membership categories to be chosen on the basis of lots drawn by board members as vacancies occur.

D. Procedures. The Special Education Advisory Council shall conduct its meetings according to rules of procedures for state board advisory councils as found in §105 of this Code and in particular those policies relating to membership terms, selection of officers, filling of vacancies, payment of expenses, general functions, quorum, attendance, procedures for the conduct of meetings, reporting, and staffing by the state board and the State Department of Education.

E. Functions

1. As stated in federal regulations the functions of the advisory council shall be to:

- a. advise the state board and the Department of Education of unmet needs within the state in the education of children with disabilities;
- b. comment publicly on the Special Education State Plan and on rules and regulations proposed for issuance by the state regarding the education of children with disabilities and the procedures for distribution of funds under federal laws;
- c. assist in developing and reporting such information and evaluations as may assist federal authorities in the performance of their legal responsibilities.

2. As stated in R.S. 17:1945(B) of the Louisiana Revised Statutes, the advisory council shall review rules and regulations governing the Education of Exceptional Children Act.

3. As stated in state board policy in LAC 28:I.105(G), the functions of the council are advisory in nature and considerations shall include items referred by the state board as well as items initiated by the

council and approved by the board through its regular procedures.

4. As stated in state board policy LAC 28:I.1711(E), the advisory council shall perform the duties related to disbursement of certain special education discretionary funds.

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AUTHORITY NOTE: Promulgated in accordance with 20 USC 1413(a)(12); 34 C.F.R. Part 300, Sec. 300.650-653; R.S. 17:1954.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 22: (February 1996).

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